

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

THOMAS W. SHELLEY,

Plaintiff,

v.

RANDY HOENISCH and
ROBERT DICKMAN,

Defendants.

ORDER

08-cv-107-bbc

A telephone hearing was held on April 14, 2008, on plaintiff Thomas W. Shelley's motion for a preliminary injunction. Plaintiff appeared in his own behalf; defendants Randy Hoenisch and Robert Dickman appeared by counsel Michael J. Roman.

After hearing arguments by plaintiff and counsel for defendants and reviewing the file, I concluded that no preliminary injunction is necessary, provided that defendants keep in place their present policy on medication *and* insure that it is enforced fairly and consistently with respect to all inmates. Defendants' counsel has represented that the present jail policy

1. Requires that all medication defined as Schedule II controlled substances be delivered to the jail by one provider so as to allow the jail to monitor incoming medications

and insure that they are not abused;

2. Requires prisoners to pay for any medication they need but does not require that they prepay for any medically necessary medicine; and

3. Requires prisoners to have current prescriptions for their medicine.

Assuming that this policy is enforced, plaintiff has no viable claim that defendants are deliberately indifferent to any serious medical need.

ORDER

IT IS ORDERED that plaintiff Thomas W. Shelley's motion for a preliminary injunction is DENIED at this time.

Entered this 15th day of April, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge